

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

**SURGICAL STAPLING APPARATUS**

This declaration is of the following type: (check one)

- ☒ original  
☐ design

(check one, if applicable)  
☐ national stage of PCT  
☐ supplemental

- ☐ divisional  
☐ continuation  
☐ continuation-in-part (CIP)

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SURGICAL STAPLING APPARATUS**

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**SPECIFICATION IDENTIFICATION**

the specification of which: (complete (a), (b) or (c))

- (a) ☐ is attached hereto.  
(b) ☒ was filed on September 23, 1997 as Serial No. 08/935,980.  
(c) ☐ was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_ (if any).

**ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations. § 1.56(a).

# FOREIGN PRIORITY CLAIM

[ ] I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) [ ] no such applications have been filed.  
 (e) [ ] such applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS,  
 (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

COUNTRY	APPLICATION NO.	DATE OF FILING (month, day, year)	PRIORITY CLAIMED UNDER 35 USC 119
			[ ] YES [ ] NO
			[ ] YES [ ] NO

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
 (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

## CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. 120

[x] I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

Prior U.S. Application(s) or PCT International Application(s) Designating the U.S. For Benefit Under 35 U.S.C. § 120.

### U.S. APPLICATIONS

Serial No.	Filing Date	Status (patented, pending or abandoned)

### PCT APPLICATIONS DESIGNATING THE U.S.

PCT Application No.	PCT filing date	U.S. Serial Nos. assigned (if any)	Status (patented, pending, abandoned)

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

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(Name and telephone number)

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(203) 845-1059

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(s)

Full name of sole or first inventor Keith L. Milliman  
Inventor's signature [Signature]  
Date 4/3/98 Country of Citizenship U.S.A.  
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Inventor's signature [Signature]  
Date 3/31/98 Country of Citizenship U.S.A.  
Residence 320 Great Quarter Road, Sandy Hook, CT 06482  
Post Office Address \_\_\_\_\_

spo

Full name of third inventor Joseph Urban III  
Inventor's signature *Joseph P. Urban III*  
Date 4.3.98 Country of Citizenship U.S.A.  
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Full name of fourth inventor Randolph F. Lehn  
Inventor's signature *Randolph F. Lehn*  
Date 4/14/98 Country of Citizenship U.S.A.  
Residence 47 Powder Mill Drive, Stratford, CT 06497  
Post Office Address \_\_\_\_\_

**REVOCATION OF POWER OF  
ATTORNEY OR AUTHORIZATION OF  
AGENT; AND APPOINTMENT OF NEW  
POWER AND CHANGE OF  
CORRESPONDENCE ADDRESS**

Application Number	10/014,004
Filing Date	December 10, 2001
First Named Inventor	Milliman et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	1924 DIV 3 CON

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application and appoint the following attorney(s) to prosecute and transact all business in the U.S. Patent and Trademark Office connected therewith.

DAVID M. CARTER, Reg. No. 30,949; PETER DELUCA, Reg. No. 32,978; RAYMOND E. FARRELL, Reg. No. 34,816; JOSEPH W. SCHMIDT, Reg. No. 36,920; JEFFREY S. STEEN, Reg. No. 32,063; RUSSELL R. KASSNER, Reg. No. 36,183; CHRISTOPHER G. TRAINOR, Reg. No. 39,517; GEORGE LIKOUREZOS, Reg. No. 40,067; EDWARD C. MEAGHER, Reg. No. 41,189; FRANCESCO SARDONE, Reg. No. 47,918; each of them of CARTER, DELUCA, FARRELL and SCHMIDT, LLP, 445 Broad Hollow Road, Suite 225, Melville, New York 11747; and DAVID KORIS, Reg. No. 30,908; DOUGLAS E. DENNINGER, Reg. No. 31,752; PAUL AUDET, Reg. No. 26,439; MARK FARBER, Reg. No. 34,159; LAWRENCE CRUZ, Reg. No. 36,385; each of them of UNITED STATES SURGICAL, A DIVISION OF TYCO HEALTHCARE GROUP LP, 150 Glover Avenue, Norwalk, Connecticut 06856.

AND Please change the correspondence address for the above-identified application to:

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Address	150 Glover Avenue				
Address					
City	Norwalk				
Country	US	State	Connecticut	Zip	06856
Telephone	(203) 845-1000	Fax	(203) 845-4356		

I am the:

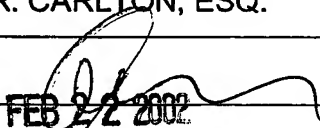
☐

Applicant/Inventor.

☒

Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

**SIGNATURE of Applicant or Assignee of Record**

Name	ALAN R. CARLTON, ESQ.
Signature	
Date	FEB 22 2002